
DIVISION 5. PERFORMANCE CRITERIA

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3.5.1 GENERAL.

- 3.5.1.1 Purpose. To provide additional performance criteria for certain land uses in order to mitigate any adverse impacts on adjacent land uses, on the immediate neighborhood, and on the community.
- 3.5.1.2 Applicability. These requirements are in addition to those required of principal structures in Sec. 3.2.3.1 and Sec. 3.2.3.2 of the *Land Use Code (LUC)* and are applied only when required in a zone for a particular land use. Where the regulations in Sec. 3.2.3.1 or Sec. 3.2.3.2 and the performance criteria result in differing requirements for the same criteria (e.g., lot coverage), the specific performance criteria shall apply. (Ord. No. 9138, §1, 10/5/98)

3.5.2 AGRICULTURAL USE GROUP.

3.5.2.1 Animal Production.

A. Provisions Relating to Animals in General.

1. All structures for animals must be set back at least fifty (50) feet from all property lines, except corrals which must be set back ten (10) feet from all property lines.
2. All stables, barns, and animal sheds or shelters must be set back at least one hundred (100) feet from any property line.

B. Provisions Relating to Livestock.

1. No more than two (2) horses or two (2) head of cattle are allowed per each thirty-six thousand (36,000) square feet of lot area.
2. A stock-tight fence and necessary cattle guards shall be erected and maintained along the boundaries of any area where livestock is kept or grazed. This provision shall not apply to interior lot lines where the adjacent property is zoned IR or to open range as determined under Arizona Revised Statutes (ARS).

3. All horses, cattle, sheep, goats, or similar animals must be confined within a stock-tight fence in an area of no less than four hundred (400) square feet per animal. Such fenced-in area must be set back ten (10) feet from the rear property line where it abuts an IR, RH, SR, SH, RX-1, or RX-2 zone; forty (40) feet from the rear where it abuts any other zone; and forty (40) feet from a side property line. A setback of ten (10) feet shall be permitted on the side yard where the adjacent property owners have a written recorded agreement to this effect, but in no event shall a corral be closer than fifty (50) feet to any residence or living quarters on an abutting property.

C. Provisions Relating Specifically to Hogs.

1. No hogs are allowed.
2. No more than one (1) hog weighing more than fifty (50) pounds is allowed per each thirty-six thousand (36,000) square feet of lot area.
3. Hog-raising projects, which exceed the permitted number of hogs in Sec. 3.5.2.1.C.2, are allowed if sponsored by the 4-H Club, Future Farmers of America, or other similar nonprofit organization, provided that a letter of authorization from the sponsoring organization is submitted confirming that the project is sponsored by the organization, describing the project and stating its length of time. (Ord. No. 9392, §1, 5/22/00)
4. Hogs must be penned at least five hundred (500) feet from any property line.

D. Riding Stables or Riding Schools (other than those as a Secondary Land Use to Travelers' Accommodation, Lodging).

1. All stables, barns, and animal sheds or shelters must be set back at least two hundred (200) feet from any interior property line with residential zoning, except that the distance may be measured to the boundary of the site or subdivision to be served as a common use facility.
2. Outside audio amplification is prohibited.

3.5.2.2 Crop Production. Any greenhouse heating plant or cooling fan shall be located a minimum of two hundred (200) feet distant from every lot line.

3.5.2.3 Stockyard Operation.

- A. A commercial feedlot use must be set back at least five hundred (500) feet from any property line.
- B. Livestock auction yard.
 1. All structures, holding pens and areas, and show areas must be set back at least three hundred (300) feet from any property line.
 2. Generation of dust must be minimized.
 3. Outdoor audio amplification which would create a nuisance to adjacent properties is prohibited.

3.5.3 CIVIC USE GROUP.

3.5.3.1 Cemetery.

- A. The use must be adjacent to, or an extension of, an existing cemetery.

- B. The minimum site area is one (1) acre for a pet cemetery and five (5) acres for a human cemetery.
- C. All buildings must be set back at least one hundred (100) feet from any property line.
- D. The use is limited to the storage of cremated remains in a columbarium.

3.5.3.2 Governmental Uses. The use must be governmentally owned and operated.

3.5.3.3 Postsecondary Institutions. Teaching of only those operations or occupations which are allowed in the zoning classification of the property as permitted uses is allowed.

3.5.3.4 Correctional Use.

- A. *Intent.* The intent of these regulations is to:
 - 1. Provide for the uniform regulation of Correctional Uses.
 - 2. Limit the concentration of Correctional Uses through the imposition of dispersal requirements, except where the concentration of certain Correctional Uses is determined to be in the public interest. (Ord. No. 9239, §2, 6/14/99)
 - 3. Provide for community review of certain types of Correctional Uses through a Special Exception Land Use permit process when required by the regulations of the zoning district.
 - 4. Mitigate the negative impacts of Correctional Uses through the application of specified development criteria to Correctional Uses.
- B. *Requirements.* The requirements and restrictions set forth in this Section apply to all Correctional Uses, as determined in the regulations for the zoning districts.
 - 1. *Applicability.* The specific requirements of this Section which are applicable to a Correctional Use are listed in each zoning district which permits such use. Except as otherwise specified in this Section, the development standards and criteria for a Correctional Use are determined by the general regulations of the zoning district.
 - 2. Reserved.
 - 3. *Minimum Required Site Size.*
 - a. One (1) acre.
 - b. Five (5) acres.
 - c. Ten (10) acres.
 - d. Fifteen (15) acres.
 - e. Thirty (30) acres.
 - 4. *Maximum Number of Beds.*
 - a. The maximum number of beds allowed is forty (40).
 - b. The number of beds allowed is calculated by dividing the area of the site by twenty-two hundred (2,200) square feet, with a maximum allowed capacity of forty (40).

- c. The maximum number of beds allowed is sixty (60), with no more than forty (40) offenders in the Custodial Facility and no more than twenty (20) offenders in the Supervision Facility.
 - d. The maximum number of beds allowed is twelve hundred fifty (1,250).
- 5. *Separation.* A Correctional Use shall be separated from other public or private Correctional Uses, Rehabilitation Service Uses, and Shelter Care Uses, as determined by the zoning district in which the Correctional Use is located. The applicant for a Correctional Use shall provide documentation of compliance with the required separation distances. (Ord. No. 9392, §1, 5/22/00)
 - a. Twelve hundred (1,200) feet.
 - b. Twelve hundred (1,200) feet from a Supervision Facility, Rehabilitation Service, or Shelter Care and four (4) miles from a Custodial Facility or a Jail or Prison.
 - c. Twelve hundred (1,200) feet from a Supervision Facility, Rehabilitation Service, or Shelter Care; four (4) miles from a Custodial Facility; and five (5) miles from a Jail or Prison.
- 6. *Minimum Interior Yard Setbacks.* Minimum interior yard setbacks are required for any structure, including a fenced enclosure, and are measured to the property line.
 - a. Fifty (50) feet.
 - b. One hundred (100) feet.
 - c. Five hundred (500) feet.
- 7. *Building Height.* The maximum building height allowed is fifty (50) feet, except for guard towers which may be up to sixty (60) feet in height.
- 8. *Site Location.* The site must be located at least three hundred (300) feet from the property line to a zone boundary line of R-3 or more restrictive zoning, or for sites where Sec. 3.5.3.4.C is applicable, the three hundred (300) foot setback does not apply to residentially zoned property used for a prison or jail or to residentially zoned property used as a public right-of-way or railroad right-of-way. (Ord. No. 9239, §2, 6/14/99)
- 9. *Management Plan.* The applicant must submit to the Zoning Administrator and the Police Department a management plan describing the management and operation of the facility including, names and addresses of the entities that own the facility and manage the program; name and address of local responsible party; name and phone number of the responsible governmental contracting agency; names and locations of existing facilities owned or operated by the ownership or management entities; length of the contract period; types of offenders housed; number and qualifications of the staff of the facility; and an emergency plan which details how the facility will deal with emergencies and how and under what circumstances contact is made with local emergency and safety officials. Additionally, a plan for perimeter security shall be filed with the management plan. Any changes or amendments to the management plan and any change in ownership or management must be filed with the Zoning Administrator and the Police Department.
- 10. *Licensure.* If licensing is required for the use, proof of such licensure shall be provided prior to the issuance of a certificate of occupancy for the use. If licensure is not required, the applicant must provide documentation to that effect. (Ord. No. 9392, §1, 5/22/00)
- 11. *Loudspeakers.* The use of outdoor speakers is prohibited.

C. *Prison Clustering Provisions.*

1. The site area is a minimum of one hundred fifty (150) acres.
2. The site is located within one-half (1/2) mile of at least one (1) jail or prison facility owned and operated by the federal or state government, and the jail or prison has a minimum design capacity of five hundred (500) beds.
3. The project does not adversely affect adjacent land uses or surrounding neighborhoods, or such adverse effects can be substantially mitigated through the application of additional conditions.

(Ord. No. 9239, §2, 6/14/99)

3.5.3.5 Cultural Use. Cultural Uses are subject to the following performance criteria, which are not subject to variance; however, if one (1) or more of the criteria cannot be met, the Mayor and Council can modify the criteria for a specific site where there is substantial conformance with the intent of the performance criteria.

- A. The use must be set back at least one hundred (100) feet from any property line.
- B. The use must provide a visual buffer where the site is adjacent to a residential use or zone. This can be accomplished by providing, for example, a landscape buffer, setbacks of buildings or uses, or masonry screen walls.
- C. Storage of fertilizer, manure, or other odorous material located in an enclosed building shall be set back a minimum of twenty (20) feet or if located outdoors shall be set back a minimum of forty (40) feet from any property line that is adjacent to a residential use or zone.
- D. Public access to the site must be from a Major Streets and Routes (MS&R) street or from a local street that is not an internal residential neighborhood street.
- E. The impacts of noise on adjacent residential uses should be mitigated to comply with the noise regulations in Chapter 11 of the Tucson Code.
- F. Hours of operation for the cultural use, as well as any secondary use, should be detailed in the application and should be limited, in order to assure compatibility with adjacent residential uses.
- G. Outdoor lighting shall be limited in height and shielded from adjacent residential uses.
- H. The trip generation and traffic impacts on the surrounding streets will be analyzed, and mitigation measures will be provided.

(Ord. No. 9336, §1, 12/13/99)

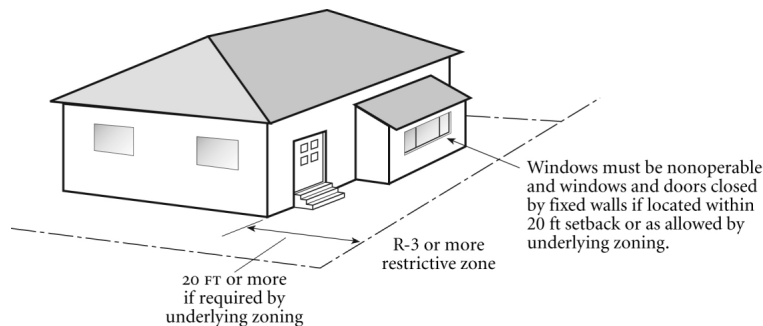
3.5.3.6 Religious Use. The use must be set back at least eighty (80) feet from any property line.

3.5.3.7 Educational Uses. Educational Uses are subject to the following performance criteria. No variances are permitted; however, if the criteria cannot be met, the applicant can request approval through a Special Exception Land Use if permitted within the zone.

- A. *Licensing.* If licensing, certification, or similar type of approval is required by the State of Arizona for the use, proof of such licensure, certification, or approval shall be provided. Such information shall include the number of students for which the school is approved. (Ord. No. 9392, §1, 5/22/00)

Zoning compliance shall not be granted for an Educational Use which has approval from the authorizing agency for more students than can be accommodated on the site in accordance with zoning requirements.

- B. *Site Area.* The minimum required site area in residential zones is five (5) acres, unless a greater site area is required under the applicable Development Designator, or the ratio of one thousand four hundred fifty-two (1,452) square feet of site area for each student proposed for the school, whichever is greater, up to a maximum of ten (10) acres for elementary schools (Grades K-6), twenty (20) acres for middle schools (Grades 7 and 8), and forty (40) acres for high schools (Grades 9-12). For the purposes of this requirement, the number of students applied in this calculation is the number for which the school has been approved by the authorizing agency. If a maximum number of students is not stipulated as part of the approval from the authorizing agency, then the number used in the calculation shall be the amount proposed by the applicant. In nonresidential zones, the minimum site area shall be in accordance with the applicable Development Designator for the use.
- C. *Hours and Days of Operation.* Educational Uses within Neighborhood Commercial (NC) or more restrictive zoning are limited in hours of operation to 6:00 a.m. to 7:00 p.m., Monday through Friday only.
- D. *Outdoor Activity.* All outdoor activity shall be held more than fifty (50) feet away from the property line where adjacent to R-3 or more restrictive zoning. The use of loudspeakers, amplifiers, or similar type equipment outdoors is not permitted on the school site within one hundred (100) feet of the property line where adjacent to R-3 or more restrictive zoning.
- E. *Vehicular and Pedestrian Access.* Vehicular and pedestrian access to the Educational Use site must be from a street designated as a major street by the Major Streets and Routes (MS&R) Plan or from a local street other than an internal residential neighborhood street for sites zoned C-1 or more restrictive zoning.
- F. *Building Setback.* The minimum building setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet, unless the setback requirements of the applicable Development Designator are greater. Building setbacks may be reduced from the twenty (20) feet to the setback required under the applicable Development Designator if there are no openings on the side of the building adjacent to R-3 or more restrictive zoning. If the building wall is parallel to the property line, only that side of the building facing the property line must have no openings. If the building is not parallel to the property line, there may be no openings within twenty (20) feet of the property line. For the purposes of this Section, "no openings" means all windows and doors are closed by fixed walls or nonoperable windows. Where openings are not allowed, an emergency exit door, which can only be opened from inside the building and has an alarm, is allowed. (See Illustration 3.5.3.7.F.)



3.5.3.7.F Building Setback for Educational Uses

- G. *Passenger Drop-Off Areas.* Passenger drop-off parking areas shall be provided at a ratio of one (1) motor vehicle parking space (parallel) for every twenty (20) students for which the school is authorized, up to a total of eight (8) spaces using two lanes with the parking on the inside lane. These spaces are in addition to the required off-street parking spaces.

(Ord. No. 9075, §1, 6/15/98)

3.5.4 COMMERCIAL SERVICES USE GROUP.

3.5.4.1 Animal Service.

- A. Overnight confinement for clinic treatment is permitted for a maximum of five (5) animals.
- B. No boarding of animals is permitted.
- C. The activity must be within a completely enclosed building.
- D. An outpatient clinic is permitted for small animals only.
- E. Structures, shelters, animal runs, and fenced areas must be set back at least one hundred (100) feet from any property line abutting residentially zoned property.
- F. Structures, shelters, animal runs, and fenced areas must be set back at least one hundred (100) feet from any property line.
- G. The use shall be set back at least two hundred (200) feet from any residential zone.

*Artisan Residence. See [3.5.4.28](#) (Ord. 10477, §5, 11/13/07)

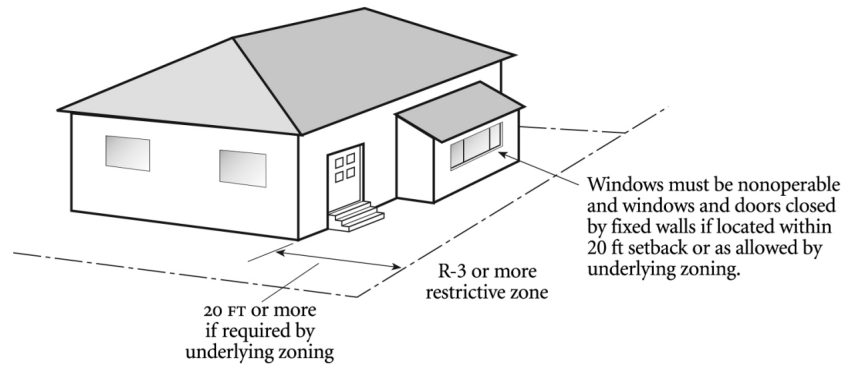
3.5.4.2 Automotive - Service and Repair.

- A. No auto washing.
- B. The service building shall be limited in design to accommodate no more than two (2) vehicles at any time. Vehicle space size shall be a maximum of ten (10) by twenty-five (25) feet.
- C. The use must occur within an enclosed building with one (1) access per bay, not on the side toward any residential zone.
- D. The building walls shall have no openings, other than nonopening windows, within thirty (30) feet of the adjacent residential zone boundary line.
- E. Auto washing, limited to a self-service, coin-operated car wash, shall be allowed on the premises. No more than six (6) bays using hand-operated, wand-type equipment or more than one (1) bay using nonconveyor, automatic equipment are permitted, and vacuum equipment shall be located at least one hundred (100) feet from any residential zone.
- F. The maximum floor area is two thousand (2,000) square feet.
- G. Limited to one (1) automatic in-bay car wash which shall not include conveyors or motorized air-drying. It shall be enclosed within a structure except at points of ingress and egress, have a maximum floor area of six hundred (600) square feet, and not exceed twelve (12) feet in height.

3.5.4.3 Child Care in Residential and Office Zones Criteria.

- A. *Dispersal.* A six hundred (600) foot separation between child care centers in residential zones is required. Child care centers that provide only before- and after-school programs at elementary and secondary school sites are not considered for the purposes of this separation. The separation distance is measured from property lines, except in the case of a child care center on a mixed use development site where the separation is measured from that portion of the site devoted to the child care use.
- B. *Licensing.* If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided prior to issuance of a certificate of occupancy. (Ord. No. 9392, §1, 5/22/00)

- C. *Hours and Days of Operation.* Child care centers adjacent to R-3 or more restrictive zoning are limited in hours of operation to 6:00 a.m. to 7:00 p.m. and to operation Monday through Friday only, except as provided in Sec. 3.5.4.3.I.
- D. *Building Setback.* The minimum setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet unless the setback requirements of the zone are greater. Buildings may be located closer than twenty (20) feet to such property lines if there are no openings on the side of the building adjacent to R-3 or more restrictive zoning, in which case the setbacks in the general provisions of the zone apply. If the building wall is parallel to the property line, only that side of the building facing the property line must have no openings; if the building is not parallel to the property line, there may be no openings within twenty (20) feet of the property line. For the purposes of this Section, "no openings" means all windows and doors are closed by fixed walls or nonoperable windows. Where openings are not allowed, an emergency exit door, which can only be opened from inside the building and has an alarm, is allowed. (See *Illustration 3.5.4.3.D.*)



3.5.4.3.D Building Setback for Child Care in Residential and Office

- E. *Recreational Areas.* Minimum distance of outdoor recreational areas, including, but not limited to, swimming and wading pools, ball fields, and playground equipment, to any adjacent property in R-3 or more restrictive zoning is twenty-five (25) feet. Where abutting a street or alley, the setback is measured to the centerline of a right-of-way. A wall is required between a recreation area provided on site and adjacent to R-3 or more restrictive zoning.
- F. *Number of Children.* The maximum number of children cared for is as follows.
1. Thirty (30) children.
 2. One hundred (100) children.
 3. Unlimited number of children.
- G. *Site Size.* The minimum required site size is as follows. In no case will a site larger than ten (10) acres be required.
1. Six and six-tenths (6.6) acres in RH and SR.
 2. Seventy-two thousand (72,000) square feet in SH and RX-1.
 3. Thirty-two thousand (32,000) square feet in RX-2.
 4. Fourteen thousand (14,000) square feet in R-1, R-2, and O-2.
 5. Ten thousand (10,000) square feet in R-3 and O-3.

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6. The minimum required site size is equal to the minimum site size required for the zone in Sec. 3.5.4.3.G.1, .G.2, .G.3, or .G.4 for the zoning district, divided by thirty (30) and multiplied by the maximum enrollment for which the center is licensed.
 7. The minimum required site size is equal to two hundred (200) square feet per child, multiplied by the maximum enrollment for which the center is licensed, plus four thousand (4,000) square feet.
- H. *Street Frontage.* The center must front on a Major Streets and Routes (MS&R) street with no vehicular access to the site from a local street or on a local street within a nonresidential development. The street frontage requirements do not apply to a child care center located on an elementary school site if the child care center is in conformance with the dispersal, licensing, recreational area and building setbacks, hours and days of operation limitations, and site coverage criteria.
- I. *Extended Hours for Any Number of Children.* In addition to the requirements of Sec. 3.5.4.3.A, .B, .D, and .H, a child care use which operates before 6:00 a.m. or after 7:00 p.m. or on Saturday or Sunday where the site is adjacent to R-3 or more restrictive zoning shall comply with the following.
1. *Site Size.* The minimum site size for a child care center with extended hours of operation or weekend operation is two and one half (2.5) acres, except in RH and SR where the minimum site is ten (10) acres.
 2. *Building Setback.* The minimum building setback is seventy-five (75) feet from a property line adjacent to R-3 or more restrictive zoning.
 3. *Recreational Areas.* Outdoor recreational areas, including, but not limited to, swimming and wading pools, ball fields, and playground equipment, shall be screened and set back from any property line adjacent to R-3 or more restrictive zoning as follows.
 - a. A wall, as defined in screening materials, is required between a recreational area and the adjacent property line.
 - b. The minimum setback from the adjacent property in R-3 or more restrictive zoning is one hundred (100) feet. Where abutting a street, alley, drainageway, or other right-of-way, the setback is measured to the centerline of a right-of-way.
 - c. A reduction to the required recreational area setback may be requested in accordance with Sec. 5.3.3, Variances, if the reduction meets the requirements set forth for Special Exception Land Uses. (Ord. No. 9179, §1, 12/14/98)
 4. *Vehicular Use Areas.* Vehicular use areas must be designed so that no more than fifty (50) percent of the parking spaces provided are within fifty (50) feet of an interior property line adjacent to R-3 or more restrictive zoning.

3.5.4.4 Entertainment.

- A. A circus, carnival, or tent show is allowed for no longer than fifteen (15) days.
- B. Circuses, carnivals, and tent shows are subject to zoning compliance review and approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9967, §3, 7/1/04)

- C. A circus, carnival, or tent show shall be set back one hundred (100) feet from the activity to the lot line of any residential use or zone.
- D. Motor vehicle parking areas and bicycle facilities for a circus, carnival, or tent show shall be dustproofed, and access to the vehicular use areas shall be identified and controlled to minimize vehicular and pedestrian conflicts.
- E. The use shall be set back at least two hundred (200) feet from any property line.
- F. Concerts, dances, and other similar high-noise activities will be conducted entirely within an enclosed building, or the activity shall be set back six hundred (600) feet or more from adjacent residentially zoned property. When the activity occurs outdoors, the high-noise activity will be directed away from residential areas. Modification of this criterion may be permitted by the Mayor and Council through the Special Exception Land Use process provided:
 - 1. All speakers and similar sound projecting devices are oriented away from adjacent residentially zoned properties;
 - 2. The applicant will develop a noise mitigation plan for the use based on the specific activities proposed and the proximity of such activities to the residential property line;
 - 3. Noise levels are continuously monitored during the performance, and noise emission standards are enforced by a cultural use employee (or designee); and
 - 4. The performance ends no later than 10:00 p.m.

(Ord. No. 9336, §1, 12/13/99)

3.5.4.5 Financial Service.

- A. Limited to a maximum of three (3) drive-through service lanes, with one (1) restricted to drive-through automated teller machine (ATM) service only.
- B. The use shall be set back at least one hundred (100) feet from any property line.
- C. No non-chartered financial institution facilities, such as payday loan facilities, except where permitted as a special exception under Sec. [3.5.4.5.D](#) (Ord. No. 10252, §2, 2/28/06)
- D. Non-Chartered financial institutions require approval as a special exception by the Zoning Examiner in accordance with procedures set forth in Sec. 5.3.9 and Zoning Examiner Full Notice Procedure, Sec. 23A-53 and provided that: (Ord. No. 10252, §2, 2/28/06)
 - 1. A non-chartered financial institution site shall be separated from other non-chartered financial institution sites by a distance of one-thousand, three hundred and twenty feet (1,320) (Ord. No. 10252, §2, 2/28/06)
 - 2. A non-chartered financial institution site shall be located at least five-hundred (500) feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.(Ord. No. 10252, §2, 2/28/06)

3.5.4.6 Food Service.

- A. Activities may be conducted outdoors, except that, if the use is within six hundred (600) feet from the nearest residential zone, no loudspeakers or music, live or recorded, are permitted. (Ord. No. 8582, §1, 9/25/95)

- B. No dancing is allowed, and no drive-in or drive-through restaurants are allowed.
- C. Soup kitchens are not allowed.
- D. Soup kitchens shall comply with the following criteria.
 - 1. The use shall be conducted within a completely enclosed building.
 - 2. Seating is provided at one hundred (100) percent of the meal service capacity.
 - 3. A waiting area shall be provided within the building for a minimum of one-half (1/2) of the total number of persons to be served.
 - 4. Public rest rooms are provided.
 - 5. No other soup kitchen use is located within one (1) mile.

3.5.4.7 **Sale of Spirituous Liquor in Conjunction with Food Service Use.**

- A. The Food Service establishment provides regular meal service at regularly available tables during all hours of operation or until 10:00 PM to guests for compensation. The establishment must have kitchen facilities for keeping, cooking, and preparing foods for meals. (Ord. No. 10387 §2, 4/10/07)
- B. The Food Service establishment has seventy-five (75) seats or more for the serving of meals at regularly available tables for all hours of operation. Seating at counters, in private banquet rooms, and outdoor seating shall not count toward the minimum seventy-five (75) seat requirement.
- C. The Food Service establishment may serve alcoholic beverages with meals; however, an area separate from the Food Service use shall not be provided with tables, counter areas, and/or booths for persons to sit at primarily for service of alcoholic beverages operating as an Alcoholic Beverage Service establishment, unless:
 - 1. The Food Service establishment has seventy-five (75) seats or more for the serving of meals at tables (seating at counters, in banquet rooms, and outdoor seating shall not count toward the seventy-five [75] seat requirement) which are available at all hours of operation; and
 - 2. The Alcoholic Beverage Service area does not exceed, in size, twenty-five (25) percent of the Food Service floor area, including any Food Service outdoor area; and
 - 3. The Alcoholic Beverage Service area does not have an outside public entrance separate from the main entrance to the Food Service use.
- D. The Food Service establishment may serve, in addition to beer and wine, other alcoholic beverages.
- E. Reserved. (Ord. No. 10387, §2, 4/10/07)
- F. A Food Service use with more than seventy-five (75) seats for the serving of meals at tables which are available at all hours of operation may have a dance floor, provided such dance floor is not larger than two hundred (200) square feet. Seating at counters, in banquet rooms, and outdoor seating shall not count toward the seventy-five (75) seat requirement.
- G. Reserved. (Ord. No. 10387, §2, 4/10/07)
- H. Signs are not permitted in or on a window or on the exterior of any building or structure within the project that is visible from a public street or adjacent residentially zoned property identifying or advertising the Alcoholic Beverage Service use or the sale of spirituous liquors.

- I. Alcoholic beverages shall not be provided with drive-in or drive-through services.
- J. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of one hundred (100) feet from residentially zoned property excluding public right-of-way, or is separated by a building from adjacent residentially zoned property. If the use is within six hundred (600) feet of a residential zone, no loudspeakers or music, live or recorded, is permitted. (Ord. No. 10387, §2, 4/10/07)
- K. A Food Service establishment that is located within 300 feet of a residential zone, excluding public right-of-way, measured in a straight line from the licensed premises to the zone boundary line of R-3 or more restrictive zoning may serve alcoholic beverages upon conformance with the following conditions:
 - 1. The applicant is required to submit a mitigation plan to the Development Services Director, which will be reviewed in accordance with T.C. Sec. 23A-50 and 23A-51. The mitigation plan shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking, and access to adjacent neighborhoods, but shall not address issues which are the purview of the Arizona Department of Liquor Licenses and Control, such as the number of liquor licenses in the area or the hours of liquor sales.
 - 2. If the use is operated in a manner that violates the mitigation plan or conditions for permitting the use or causes adverse land use impacts, the use may be suspended or terminated in accordance with T.C. Sec. 23A-54. (Ord. No. 8666, §1, 3/25/96; Ord. No. 10387, §2, 4/10/07)

3.5.4.8 Medical Service.

- A. The use will provide a minimum of one (1) off-street loading space or the number of spaces required per Article III, Division 4, whichever is greater.
- B. Blood donor centers are not allowed.
- C. Blood donor centers shall comply with the following criteria.
 - 1. The site is not located in the same block as a residential zone or any elementary or secondary school or Day Care use.
 - 2. The site is located at least three hundred (300) feet, measured in a straight line, from the property line to a residential zone boundary line or the property line of an elementary or secondary school.
 - 3. A waiting area equal to ten (10) percent of the gross floor area is provided.
 - 4. No other blood donor center is located within twelve hundred (1,200) feet.

3.5.4.9 Medical Service in Residential and Office Zones Criteria.

- A. The facility fronts on a street on the Major Streets and Routes (MS&R) Plan or on a residential street, provided:
 - 1. The residential street intersects a street on the MS&R Plan, and
 - 2. The property is within one hundred fifty (150) feet of a street on the MS&R Plan, measured along the residential street.
- B. Minimum Setbacks.
 - 1. A minimum building setback of twenty (20) feet from any interior lot line adjoining residential zoning is required.

2. A minimum building setback of one hundred (100) feet from any property line is required.

C. Requests to vary the provisions of this Section, including setbacks for existing or new buildings, are processed in accordance with Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)

D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)

3.5.4.10 Secondary Uses to Major Medical Service and Outpatient Medical Service.

A. The use must be located within a principal building.

B. Access to the use must be from within the principal building or from the interior of the development.

C. No merchandise or supplies may be stored or displayed outside a completely enclosed building.

D. There shall be no sign associated with the secondary use visible from any public street.

E. The sale of items is restricted to those customarily associated with medical services.

3.5.4.11 Office Zone Compatibility Criteria.

A. Chain link fencing may not be used to meet screening requirements.

B. Refuse areas must be set back at least twenty (20) feet from street property lines and interior property lines abutting a residential use or zone, except when alley pickup is approved by the Solid Waste Management Department.

C. Refuse areas must be screened from the street with materials similar to those of the principal structure.

D. Noise-generating equipment must be located in an area away from adjacent residential uses or vacant residentially zoned property.

E. Vehicular access must be from other than internal residential neighborhood streets. (Ord. No. 8808, §1, 1/27/97)

F. Consolidation of parking areas and access points is required for sites with multiple buildings. Consolidation of parking areas and access points is encouraged for adjoining sites.

G. New construction is reviewed by the Design Board (DRB) for architectural and site design compatibility with the surrounding residential area. The DRB review will include architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. The DRB recommendation is made to the Development Services Department Director for determination of compatibility. The DRB must find that: (Ord. No. 9967, §3, 7/1/04)

1. The building materials on the exterior facade are compatible with those used within the neighborhood block.

2. Color schemes of the new structure must be compatible with those of the developments on the block face.

3. The exterior facade of new construction is of a residential type architecturally if adjacent to a residential use or vacant residentially zoned property.

4. The building scale of new construction complements, rather than is dominant in scale to, adjacent projects.
5. Any new mechanical equipment located on the roof must be screened; the screen shall be integrally designed as part of the architectural style of the building. If this cannot be done, the equipment shall be located at ground level and screened from the street.

3.5.4.12 "P" Parking Zone Criteria. Parking is restricted to at or below grade. Structures to cover at-grade parking are allowed.

3.5.4.13 Personal Service.

- A. Laundry facilities will not exceed three thousand (3,000) square feet of floor area.
- B. An attendant must be on the premises during all open hours.
- C. No more than twenty-four (24) dry cleaning units are permitted.
- D. The maximum floor area is two thousand (2,000) square feet.

3.5.4.14 Research and Product Development.

- A. All land use operations, including storage, must be housed within a completely enclosed building. Vehicular use areas do not have to be located within enclosed buildings.
- B. The minimum lot size requirement is ten thousand (10,000) square feet.
- C. Every building must be set back from property lines adjacent to residential uses or zones a distance equal to three (3) times the height of the building.

3.5.4.15 Trade Service and Repair, Major. If located within thirty (30) feet of a residential use or zone, the building walls shall have no openings, other than nonopening windows, within thirty (30) feet of the adjacent residential use or zone boundary line.

3.5.4.16 Technical Service.

- A. Gross floor area is limited to a maximum of fifteen hundred (1,500) square feet.
- B. Gross floor area is limited to a maximum of thirty-five hundred (3,500) square feet.

3.5.4.17 Secondary Uses to Travelers' Accommodation, Lodging.

- A. The minimum distance to any public street is one hundred (100) feet.
- B. Outside entrances must not face any public street.
- C. The use is operated for the convenience of the guests.
- D. When the Alcoholic Beverage Service use is provided in an area set aside from the Food Service area, such as a bar or cocktail lounge, that area of the Alcoholic Beverage Service use shall not have an outside public entrance separate from the entrance to the principal use.
- E. The total area of retail and service establishments shall not exceed five (5) percent of the total floor area.

F. Animal-Related Uses.

1. No more than one (1) animal for each ten thousand (10,000) square feet of site area.
2. No stable or corral shall be located within one hundred (100) feet of any property line or within three hundred (300) feet of any existing buildings on an adjacent property at the time of the improvement.
3. No stable or corral shall be located or maintained closer than fifty (50) feet to any property line or closer than one hundred (100) feet to any school, park, public street (excepting an alley), or dwelling on adjoining properties.

G. Travelers' Accommodation, Lodging, must have at least fifty (50) rooms for transient lodging.

H. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of one hundred (100) feet from residentially zoned property or is separated by a building from adjacent residentially zoned property. If the use is within six hundred (600) feet of a residential zone, no loudspeakers or music, live or recorded, is permitted.

I. Alcoholic beverages shall not be provided with drive-in or drive-through services.

J. No alcoholic beverages, except beer and wine, shall be served.

K. Signs are not permitted in or on a window or on the exterior of any building or structure visible from a public street or from adjacent residentially zoned property identifying or advertising the Alcoholic Beverage Service use or the sale of spirituous liquors.

(Ord. No. 8666, §1, 3/25/96)

3.5.4.18 Administrative and Professional Office. Maximum floor area is two thousand (2,000) square feet.

3.5.4.19 Alcoholic Beverage Service and Entertainment.

A. Maximum floor area is two thousand (2,000) square feet.

B. Large bar or dance hall.

1. *Minimum Setbacks.* Setbacks for the following use areas are measured from the use area to a zone boundary line of R-3 or more restrictive zoning.
 - a. Outdoor Use Area: Five hundred (500) feet.
 - b. Parking Area: Two hundred (200) feet.
 - c. Loudspeakers: Five hundred (500) feet.
 - d. The Zoning Examiner may authorize a reduction to the required setbacks if special physical circumstances exist that will still mitigate any negative impacts.
2. *Security Management Plan.* The applicant must submit to the Zoning Administrator and the Police Chief a security management plan describing the method and operation of security within and outside the building, including the parking area. Any changes or amendments to the plan must be filed with, and approved by, the Zoning Administrator and the Police Chief.

3. *Access.* Access shall be either from a street shown on the Major Streets and Routes (MS&R) Map with no vehicular access to the site from a local street or from a local street within a nonresidential development.

C. Large bars and dance halls are prohibited.

3.5.4.20 Communications.

- A. Limited to a radio or television station, provided the buildings do not occupy more than thirty (30) percent of the site and are set back at least fifty (50) feet from any adjoining C-1 or more restrictive zoned property.
- B. *Provider's Communication Plan.* Each wireless communication provider shall provide a plan of its facilities to the City prior to any application for the installation of a tower or antennae. The plan shall cover the entire city and within three (3) miles of the city limits. The plan shall include the following.
 1. All of the provider's existing towers and antennae, by size and type, and their coverage areas.
 2. All presently anticipated future service areas and the types of antennae and heights desired for each of the service areas.
 3. The various types of antennae and towers used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment and written materials describing their application.
 4. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers and antennae to avoid the negative proliferation of such facilities.
 5. The provider's policy direction on the mitigation and/or the reduction of the negative visual impact created by existing or proposed towers and antennae, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings. (Ord. No. 8899, §1, 7/7/97)
 6. The provider's policy direction on collocation of antennae on their own facilities or on ones from other providers or on other structures which provide the verticality required for the antennae. The policy shall also provide that the provider shall not enforce any requirement by an owner of property which would prohibit collocation.
 7. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section. (Ord. No. 8899, §1, 7/7/97)
- C. *General.* The following are applicable to all wireless communication requests.
 1. *Noninterference with Public Safety.* No wireless communication transmitter, receptor, or other facility shall interfere with police, fire, and emergency public safety communications. The Director of Operations for the City is authorized to determine whether any transmitter, receptor, or other facility has interfered with public safety communications or is reasonably believed to be an imminent threat to public safety communications. Upon making that determination, the Director of Operations shall notify the Zoning Administrator and the provider responsible for that facility. The Zoning Administrator may obtain a temporary restraining order from the City Court with or without notice to enforce this Section, provided a hearing is scheduled within five (5) days of the Court's order. (Ord. No. 8899, §1, 7/7/97)

2. All applications for towers/antennae will be reviewed by the Communications Division of the City of Tucson Operations Department and any other appropriate public safety department to ensure that the proposed installation of the towers/antennae will not interfere with any public safety communications or operations of the City. All applications shall include a certification by a registered or electrical engineer that each proposed antenna or tower will be in compliance with all standards established by the Federal Environmental Protection Agency and Federal Communications Commission (FCC) regarding potential health and safety hazards. Submittal of information and review of the application by the Department of Operations shall be in accordance with a Development Standard. (Ord. No. 8899, §1, 7/7/97)
 3. Any antenna or tower for which the use is discontinued for six (6) months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The City may require financial assurances to ensure compliance with this provision.
 4. No new towers shall be permitted within four hundred (400) feet of a designated Scenic Route or Gateway Route; within a designated Historic Preservation Zone (HPZ) or Environmental Resource Zone (ERZ); or on a protected peak or ridge as identified in a Hillside Development Zone (HDZ) except as follows:
 - a. Communication towers and antennae are permitted on a protected peak or ridge that was used for such facilities prior to March 3, 1997, provided any new antennae and towers do not increase the area already disturbed and the placement of any new towers in such areas is approved as a special exception through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §3, 7/1/04)
 - b. New antennae may be permitted under Sec. 3.5.4.20.D and .E if they also comply with the purposes and review procedures of the overlay zone.
 - c. New communication towers may be permitted on Gateway Routes in exceptional circumstances, provided there is no alternative and the placement is approved through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §3, 7/1/04)
- (Ord. No. 8899, §1, 7/7/97)
5. The provisions of the applicable Development Designator as applicable to towers and antennae are superseded by the provisions of Sec. 3.5.4.20.D and by the height and setback provisions of Sec. 3.5.4.20.E, .F, and .G. (Ord. No. 8899, §1, 7/7/97)
 6. All proposed wireless communication towers and antennae shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.
 7. Submittal Requirements. The following information is to be submitted with each application for the installation of a tower or antenna.
 - a. An updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, or policy direction.
 - b. The proposed antennae/tower location, the type of antennae/tower, and the proposed service area. (Ord. No. 8899, §1, 7/7/97)
 - c. A statement of compliance with FCC requirements and specifically the areas listed in Sec. 3.5.4.20.C.6.

- d. If the proposed installation involves a new tower, then the following information is required.
 - 1. The searched area for the proposed location.
 - 2. All existing structures, buildings, towers, etc., of greater than twenty (20) feet in height located within the searched area.
 - 3. A report on why collocation within the search area is not a viable alternative.
 - e. Any technological or engineering requirements which effect or limit the location, height, or construction of the proposed tower/antennae should be included in reports.
- D. The following requires approval through a Zoning Compliance Review, Sec. 23A-31. The Development Services Department Director may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)
- 1. Wireless communication antennae, provided:
 - a. The antennae are mounted on the wall or roof of a building, or concealed within an architectural or structural element of the building, not exceeding the permitted height of the building.
 - b. The antennae and tower, or architectural or structural element, are architecturally and/or environmentally compatible with the building and general area.
 - c. Wall or roof mounted antennae are limited to six (6) feet above the building, or to fifteen (15) feet if the antennae are mounted on top of the roof, the building is forty (40) feet high or taller, and no more than six (6) feet of the antennae can be seen from any point on the street which is a distance from the building equal to the height of the building.
 - 2. Wireless communication antennae, provided:
 - a. The antennae are mounted on an existing structure within public right-of-way or public property.
 - b. The antennae are architecturally and/or environmentally compatible with the structure and general area.
 - c. The existing structure may be extended up to ten (10) feet in height to allow for the placement and architectural treatment of the new antennae.
 - d. The new antennae do not substantially increase the visual mass of the existing facility.
- (Ord. No. 8899, §1, 7/7/97)
- E. The following requires approval through a Limited Notice Procedure, Sec. 23A-40. The Development Services Department Director shall forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)
- 1. Wireless communication antennae, provided:
 - a. The antennae are mounted on or within a new tower or structure in a manner which conceals or disguises the antennae or new tower. For purposes of this subsection, painting may be a method of concealing or disguising a tower.

- b. The tower, antennae, and structure are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
 - c. A new tower is set back at least two (2) times the height of the tower structure from the boundary of any other property zoned residential or office.
 - d. The tower and antennae are fifty (50) feet or less in height.
2. Wireless communication antennae, provided:
- a. The antennae are collocated on an existing wireless communication tower.
 - b. The antennae and tower are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
 - c. The existing tower is set back at least the height of the tower structure from the boundary of any other property zoned residential or office.
 - d. The existing tower may be replaced and/or extended up to six (6) feet in height to allow for the placement and architectural treatment of the new antennae.
 - e. The maximum extension of the new antennae and associated attachments shall not exceed thirty-six (36) inches as measured perpendicular to the tower at the point of attachment.
3. Wireless communication antennae, provided:
- a. The antennae are mounted on a new tower or an existing structure in a manner that is designed or painted so as to minimize their visual impact.
 - b. The tower and antenna are architecturally and/or environmentally compatible with the existing structures and general area.
 - c. The tower is set back a minimum of five hundred (500) feet from nonindustrially zoned property except where the nonindustrially zoned property is used as an interstate highway or railroad.
 - d. The tower and antennae are eighty (80) feet or less in height.

(Ord. No. 8899, §1, 7/7/97)

F. The following requires approval as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. The Zoning Examiner may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:
- a. The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.
 - b. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
 - c. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.
 - d. The tower and antennae are fifty (50) feet or less in height.

2. Wireless communication antennae, provided:
 - a. The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.
 - b. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
 - c. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.
 - d. The tower and antennae are eighty (80) feet or less in height.

(Ord. No. 8899, §1, 7/7/97)

- G. The following requires approval as a special exception through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The Mayor and Council may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:
 - a. The tower or antennae are not permitted by other provisions of this Section. (Ord. No. 8899, §1, 7/7/97)
 - b. New towers require a minimum separation of one (1) mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists. (Ord. No. 8899, §1, 7/7/97)
 - c. All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.
 - d. All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.
 - e. Notice shall be provided to all agents designated, pursuant to Sec. 3.5.4.20.B.7, at least fifteen (15) days prior to the date of the public hearing before the Zoning Examiner.

(Ord. No. 8813, §1, 3/3/97)

3.5.4.21 Construction Service.

- A. The use must be set back at least one hundred (100) feet from any property line.
- B. The yard is to be completely enclosed by screening a minimum of six (6) feet in height.

3.5.4.22 Funeral Service.

- A. A crematorium shall be set back a minimum of two hundred (200) feet from any property line.
- B. A crematorium shall be set back a minimum of five hundred (500) feet from any boundary of the site which adjoins property in a residential zone.

3.5.4.23 Transportation Service, Air Carrier.

- A. The minimum site area is as required by the Federal Aviation Agency (FAA) for the airport facility. The site area shall not be less than permitted by the underlying zoning.
- B. The application for this use must contain the following information.
 - 1. The type, weight, and noise impact in decibel levels of aircraft using the site.
 - 2. The proposed hours of operation.
 - 3. An estimate of flight frequency.
 - 4. An FAA airspace letter of determination stating no objection, with or without conditions, to the proposed facility.
 - 5. A statement describing the impact of the airport on the Regional Aviation System Plan.
- C. The site plan accompanying the application must show the following, in addition to the information required in Development Standard 2-02.0.
 - 1. Runway, including markings and identification.
 - 2. Aircraft parking, maintenance, and fueling areas and other peripheral areas.
 - 3. Fencing, screening, and safety barriers.
 - 4. Accessory structures and equipment, including fire-fighting equipment.
- D. The Mayor and Council may restrict the number of flights and hours of operation due to the proximity and intensity of noise-sensitive land uses.
- E. Length. The length required for safe operation as shown in the flight manual of the largest aircraft to use the site and an additional two hundred forty (240) feet at each end of the runway.
- F. Width. Two hundred forty (240) feet centered on the runway.

3.5.4.24 Travelers' Accommodation, Campsite.

- A. The use is in conjunction with, and within, a mobile home park.
- B. The overall number of mobile home spaces and campsites shall not exceed the overall density allowed for the mobile home park.
- C. The campsite area shall not be located adjacent to a non-mobile home residential zone.
- D. Access to the area shall be through the mobile home park.
- E. The area complies with the mobile home park development criteria.
- F. No more than twenty-five (25) percent of the total spaces in the mobile home park can be used for the campsite use.

3.5.4.25 Adult Day Care.

- A. The use is for a maximum of ten (10) persons, or if operated in conjunction with an Adult Care Service, the number of clients together with the number of residents cannot exceed the total allowed for the Adult Care Service.
- B. The use must comply with one (one) of the following.
 - 1. For a maximum of fifteen (15) persons.
 - 2. For an unlimited number of persons with a minimum lot size of twenty thousand (20,000) square feet.
 - 3. If operated in conjunction with an Adult Care Service, the number of clients together with the number of residents cannot exceed the total allowed for the Adult Care Service.

3.5.4.26 Billboards.

- A. *Pedestrian Access.* Pedestrian access shall not be located under, or within five (5) feet of, a vertical line intersecting the ground and any structural element extending from a billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways. Refer to Sec. 3.2.8.4, Pedestrian Facilities.
- B. *Parking.* Parking area access lanes shall not be located under, or within five (5) feet of, a vertical line intersecting the ground and any structural element extending from a billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways. Refer to Sec. 3.3.3.9 for locational requirements of parking spaces.
- C. *Loading.* Refer to Sec. 3.4.5 for loading (servicing) space requirements and Sec. 3.4.4.1 for locational requirements for such loading spaces.
- D. *Landscaping and Screening.* Refer to Table 3.7.2-I for landscaping and screening requirements for billboards.

(Ord. No. 8610, §1, 11/27/95)

3.5.4.27 Trade Service and Repair, Minor.

- A. Excludes the repair and replacement of upholstery and the repair of burglar alarms and motor vehicle stereos.

(Ord. No. 8653, §1, 2/26/96)

3.5.4.28 Artisan Residence

- A. *Purpose.* To provide an artisan residence use in the NC, C-1, C-2 and C-3 commercial zones designed to be used as both a dwelling and work space by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing; and the accessory sale of art objects produced on the premises. Buildings or spaces within buildings shall be used jointly for commercial and residential purposes. Nothing in this subsection shall limit principal uses as otherwise permitted by the applicable zoning.
- B. *Combined Uses.* A building or a tenant space in a commercial zone may be used as an artisan workshop with a residential dwelling. The workshop and workshop activities must be located indoors except to the extent that such activities could be conducted outdoors as a principal use under the applicable zoning.

- C. The on-site sale of the artist's products, including occasional shows of the artist's works, are permitted secondary uses.
- D. *Separation and Access.* Access to the residential use shall be only through the same access that is provided for the artisan use.
- E. *Operational Requirements.* The operation of the artisan residence shall not create noise, vibrations, smoke, fumes, dust, odors, vapors, other noxious emissions, or any other similar nuisances that are discernible beyond the boundaries of the structure enclosing the artisan residence.
- F. *Parking.* Each artisan residence unit shall provide two on-site motor vehicle parking spaces for each residential component and one on-site parking space for each 500 square feet of gross floor area (GFA) of the work space area. The GFA of the residential component shall not be included in the parking calculation.

(Ord. No. 10477, §5, 11/13/07)

3.5.5 INDUSTRIAL USE GROUP.

3.5.5.1 Manufacturing and Industrial.

- A. The manufacturing activity must be located on the same lot or site with the permitted use.
- B. Access shall be from a street. Access from an alley is also permitted, provided the alley is at least twenty (20) feet wide; it is paved for its entire block length; and zoning on both sides of the alley, for its entire length within the block, is not residential or office. (Ord. No. 8864, §1, 4/28/97)
- C. Reserved. (Ord. No. 9078, §1, 6/22/98)
- D. Manufacturing uses shall be conducted wholly within completely enclosed buildings. (Ord. No. 8864, §1, 4/28/97)
- E. All work and activity in connection with, and secondary to, a manufacturing use, such as loading and unloading areas, docks, and platforms, shall be located entirely within a building or an area on the lot which is enclosed on all sides by a solid wall or fence six (6) feet in height. Such loading and unloading areas, docks, and platforms shall be located as far from any surrounding residential uses or zones as is reasonably possible.
- F. The manufacturing and allied uses and activities shall be conducted in conformance with the following performance standards:
 - 1. *Noise.* The sound level of any individual operation shall not exceed the levels permitted in Chapter 11, Noise Ordinance, of the Tucson Code.
 - 2. *Smoke.* Smoke emission from any source is not permitted to exceed a density greater than that described as No. 1 on the Ringleman Chart. However, smoke may be emitted which is equal to, but not darker than, No. 2 on the Ringleman Chart for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, is the standard.
 - 3. *Glare or Heat.* Any activity producing intense glare or heat shall not be performed in such a manner as to create a nuisance or hazard beyond the property lines.
 - 4. *Odors.* Emission of odorous gases or other odorous matter is not permitted in such quantities as to be offensive to owners or occupants of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines.

5. *Vibration.* No vibration is permitted which is discernible beyond the property lines to the human sense of feeling for a duration of three (3) minutes or more in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of thirty (30) seconds or more in any one (1) hour between the hours of 7:00 p.m. and 7:00 a.m.
6. *Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution.* No emission is permitted which can cause damage to health, animals, vegetation, or other forms of property or which can cause any excessive soiling of the air.
7. *Liquids and Solid Waste.* No waste shall be discharged into the streets, drainageways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system which might endanger the normal operation of the public sewage system.
8. *Illumination.* Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Outdoor Lighting Code in Chapter 6 of the Tucson Code.

G. Soap manufacturing is limited to cold process only.

H. Outdoor storage, when permitted, shall not be located in a street perimeter yard. Outdoor storage areas shall be screened in accordance with Article III, Division 7, Landscaping and Screening Regulations. No materials or products shall be stacked or stored to exceed the height of the screen within fifty (50) feet of an adjoining residential zone or street. Outdoor display of finished products is permitted within a street perimeter yard in an area limited to ten (10) percent of the site area or ten thousand (10,000) square feet, whichever is less. Such display area may not encroach into required landscape buffer areas. Outdoor storage in the P-I zone is limited to twenty-five (25) percent of the site area. (Ord. No. 8582, §1, 9/25/95)

3.5.5.2 Perishable Goods Manufacturing.

- A. The manufacturing of fish or meat products, sauerkraut, sugar beets, vinegar, and yeast and the rendering or refining of fats and oils are not allowed.
- B. Slaughterhouses, meat packing plants, fertilizer yards, and plants for the reduction of animal matter are not allowed.
- C. The building setback shall be at least three hundred (300) feet from any property line.
- D. The area devoted to the Secondary Land Use is limited to a maximum of thirty-three (33) percent of the gross floor area.
- E. The Secondary Land Use is limited to baked goods and confectionery products.
- F. The Secondary Land Use is limited to the manufacturing of beer, "microbrewery."
- G. The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or one thousand (1,000) square feet, whichever is less.
- H. The products manufactured on site are sold at retail on the premises.

(Ord. No. 8653, §1, 2/26/96)

3.5.5.3 Extraction.

- A. The use shall be set back at least three hundred (300) feet from any property line, except that the use may be closer than three hundred (300) feet to an abutting I-2 zoned parcel with the written consent of the owner of the abutting property. (Ord. No. 8932, §1, 9/2/97)

- B. The generation of dust shall be minimized.

3.5.5.4 Motion Picture Industry. Buildings and structures must be set back at least one hundred (100) feet from the boundary of the site.

3.5.5.5 Radioactive Materials Restrictions.

- A. Manufacturing activities involving the use, storage, or disposal of radioactive material are expressly prohibited, except as allowed below.
- B. Radioactive material, which does not become an integral part of the manufactured product or is exempt from the licensing requirements of, or is permitted under, a general license issued by the Arizona Atomic Energy Commission or its legally established successor, may be used, stored, or disposed of as part of a manufacturing activity.
- C. Radioactive material may be used in medical diagnosis and therapy or in medical, educational, or industrial research and development.

3.5.5.6 Salvaging and Recycling.

- A. Salvaging and Recycling is limited to recycling collection bins only. (Ord. No. 9915, §9, 11/24/03)
- B. All salvaging and recycling activities and storage are to occur within an enclosed building. (Ord. No. 9915, §9, 11/24/03)
- C. Salvaging and Recycling is limited to empty household product containers, such as, but not limited to, aluminum cans, glass and plastic bottles, and newspaper. (Ord. No. 9915, §9, 11/24/03)
- D. Junkyards; salvaging of motorized vehicles, such as cars, trucks, airplanes, and similar vehicles; salvaging of hazardous materials; and landfills are not permitted.
- E. Salvaging and Recycling is restricted to collection of recycling materials. (Ord. No. 9915, §9, 11/24/03)
- F. In addition to the requirements of Sec. 3.7.3, Landscaping and Screening Regulations, there must be a screen wall at least six (6) feet in height between this use and any residential zone.
- G. The household goods donation center must be located in a permanent building staffed by an attendant who remains on the premises during the center's hours of operation.
- H. Security procedures or physical barriers must be provided to prevent after-hours drop-off of donated items and to prohibit nighttime access to these items.
- I. The applicant must submit a security management plan, which describes the operation of the center, to the Zoning Administrator for review and approval. The plan must include: the days and hours of operation for the center; descriptions of the planned security procedures and/or physical barriers planned to prohibit both vehicular access when the center is closed and outside storage when the center is closed; the outdoor lighting schematic; and the operational procedures planned to implement the security management plan. Any changes or amendments to the security management plan must be filed with and approved by the Zoning Administrator. If the use is operated in a manner that violates the security plan or conditions for permitting the use, the use may be suspended in accordance with Sec. 23A-54. (Ord. No. 9967, §3, 7/1/04)
- J. Signs must be posted on the site providing the days and hours of operation and stating that donations are not to be left after the center has closed.

- K. One (1) drive-through service lane may be provided for customer drop-off of donated items.
- L. The household goods donation center must be located on, and have access from, either a street designated as an arterial street in the *Major Streets and Routes Plan (MS&RP)* or a local street in a commercial or industrial park which has direct access to an arterial street.

(Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §9, 11/24/03)

3.5.5.7 Craftwork Manufacturing.

- A. The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or one thousand (1,000) square feet, whichever is less.
- B. The products manufactured on site are sold at retail on the premises.
- C. The products manufactured on site are limited to leathercraft, jewelry, and clothing.

(Ord. No. 8653, §1, 2/26/96)

3.5.6 RECREATION USE GROUP.

3.5.6.1 Secondary Uses to Golf Course.

A. Alcoholic Beverage Service.

1. Allowed only as part of, and in conjunction with, a Food Service use, provided all requirements for dispensing alcoholic beverages listed for Food Service, Sec. 3.5.6.1.B, are complied with.
2. The Alcoholic Beverage Service area may not have a separate outside entrance. Access must be through the Food Service use area.

B. Food Service.

1. The Food Service establishment must have kitchen facilities for keeping, cooking, and preparing foods for meals.
2. Food Service establishments with at least seventy-five (75) seats for dining at regularly available tables may operate a cocktail lounge or bar to sell all spirituous liquors for on-premises consumption.

C. Personal Service and General Merchandise Sales.

1. Personal Service and General Merchandise Sales must be integrated into the main building associated with the principal use, such as a clubhouse or registration office. Access shall be from within such main building.
2. No sign associated with the Personal Service or General Merchandise Sales shall be visible from the exterior of the building.
3. General Merchandise Sales is limited to the sale of items related to the principal use only.

D. In addition to Sec. 3.5.6.1.A, .B, and .C, the following requirements apply.

1. The minimum distance to any public street is one hundred (100) feet.
2. Outside entrances must not face any public street.
3. The use is operated for the convenience of the users of the Golf Course.

3.5.6.2 Reserved.

3.5.6.3 Golf Course Requirements.

- A. Minimum number of holes: Nine (9).
- B. Minimum distance between a tee and its hole: Seventy-five (75) feet.
- C. Minimum distance of tees and cups to any property line: One hundred (100) feet.
- D. Driving range shall be placed so that flying balls are directed toward the interior of the site.
- E. Also subject to Sec. 3.5.13.3 and Sec. 3.5.13.5.

3.5.6.4 Recreation. The minimum setback is one hundred (100) feet.

3.5.7 RESIDENTIAL USE GROUP.**3.5.7.1 Family Dwelling.**

- A. Both dwellings must be under the same ownership and on the same parcel.
- B. Both dwellings must comply with the development criteria listed for the assigned Development Designator.
- C. One (1) dwelling must be at least twenty-five (25) percent smaller than the other dwelling.
- D. The dwellings may be attached or detached.
- E. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless it is located in a subdivision recorded after January 1, 1982, and not located in a resubdivision of any subdivision recorded prior to January 1, 1982. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9443, §2, 11/27/00)
- F. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless the following criteria are met or a subdivision plat that has been clearly identified for manufactured housing has been approved and permits for manufactured homes have been issued for twenty-five (25) percent or more of the lots prior to November 27, 2000.
 - 1. It is placed on an excavated and backfilled foundation (ground set). If the home is located in a floodplain, the bottom of the lowest floor joist will be a minimum of one (1) foot above the one hundred (100) year/base flood elevation, and the foundation of the home shall be placed on the fill.
 - 2. No more than eight (8) inches of perimeter skirting wall shall be visible from the street frontage of the property. The perimeter skirting wall shall match the exterior color of the home.
 - 3. The exterior siding materials shall be either hardboard, vinyl, or stucco.
 - 4. Concrete or masonry steps shall be provided for the entry on the street side of the dwelling.
 - 5. All entry doors on the street side of the dwelling shall be inward-swinging doors.
 - 6. The roofing style and materials shall be either flat roof (Pueblo), steel rib roof, or shingle or tile roof with a 3:12 roof pitch or greater. All pitched roofs, except those that are disguised by a parapet, shall have a minimum six (6) inch eave on all sides of the dwelling.
- G. For any new single family dwelling in the R-1 zone with five (5) bedrooms, three (3) parking spaces are required. For every bedroom over five (5), one additional space is required for each bedroom.
- H. For all single family dwellings in the R-1 zone with five (5) or more bedrooms, and for all lots containing two (2) or more single family dwellings, with the second dwelling having more than one bedroom, all parking and maneuvering must be located on-site, either in a side or rear perimeter yard. The vehicular use area must be improved, which includes surfacing, striping, and provision of barriers, in conformance with Development Standard 3-05.0. Parking spaces may not be located in a vehicular use area in any front street perimeter yard.

(Ord. No. 9443, §2, 11/27/00; Ord. No. 9906, §3, 10/13/03)

3.5.7.2 Home Occupation: General Application. (Definition, Sec. 6.2.8) Home occupations require approval through a Zoning Compliance Review, Sec. 23A-31, and are subject to the following. (Ord. No. 9967, §3, 7/1/04)

- A. A home occupation shall be clearly secondary to the residential use of the dwelling.

- B. A home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.
- C. No more than twenty-five (25) percent of all buildings on the lot may be devoted to the home occupation. A detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation.
- D. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one (1) nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, OCR-1, and OCR-2 zones.
- E. Goods related to the home occupation shall not be visible from the street.
- F. Goods shall not be sold on the premises.
- G. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.
- H. Except for permitted signage, the home occupation use shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
- I. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.
- J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
- K. No more than five (5) clients per day, and only one (1) client at a time, are allowed on site.
- L. Motor vehicle and bicycle parking is not required for home occupation - general application. The home occupation may involve the use of no more than one (1) commercial vehicle for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height and must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking necessitated by the conduct of such home occupation shall be provided on site.
- M. Automotive - Service and Repair, hair salon, and Medical Service uses are prohibited as home occupations.

3.5.7.3 Home Occupation: Day Care.

- A. The conditions specified for home occupation, Sec. 3.5.7.2, apply, except Sec. 3.5.7.2.C, Sec. 3.5.7.2.D, and Sec. 3.5.7.2.G.
- B. Not less than five (5), but not more than ten (10), persons are cared for in the home.
- C. No more than one (1) full-time equivalent person not residing on the premises may be employed in the day care use.

- D. The day care use is conducted in a manner that does not create adverse impacts on the residential character of the neighborhood.
- E. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this secondary use.
- F. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.
- G. Hours of operation must be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.
- H. Any vehicle used in conjunction with the day care use is limited to a passenger car, van, or pickup truck.
- I. The day care use must be approved and licensed by the Arizona Department of Health Services prior to final approval. (Ord. No. 9392, §1, 5/22/00)

3.5.7.4 Home Occupation: Travelers' Accommodation, Lodging.

- A. Accommodations permitted for up to four (4) guests for a maximum stay of fourteen (14) days. No more than two (2) sleeping rooms may be used to accommodate guests.
- B. Accommodations permitted for up to eight (8) guests for a maximum of fourteen (14) days. No more than four (4) sleeping rooms may be used to accommodate guests.
- C. Accommodations permitted for up to twelve (12) guests for a maximum stay of fourteen (14) days. No more than six (6) sleeping rooms may be used to accommodate guests.
- D. Accommodations permitted for up to twenty (20) guests for a maximum stay of fourteen (14) days. No more than ten (10) sleeping rooms may be used to accommodate guests.
- E. Meals may be served only to guests staying in the facility. Separate cooking facilities in guest rooms shall be prohibited.
- F. The Development Services Department Director must determine that the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) shall review all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the Development Services Department Director. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. If the application is within the HPZ, see Sec. 2.8.8.5 for the review procedure for compatibility. (Ord. No. 9967, §3, 7/1/04)
- G. No more than one (1) full-time equivalent person not residing on the premises may be employed in the home occupation use.
- H. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.
- I. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.

- J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
- K. This use may involve the use of no more than one (1) commercial vehicle for the transportation of persons or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking as required for Travelers' Accommodation, Lodging, is in addition to that required for the residential use.
- L. If Home Occupation: Group Dwelling and Home Occupation: Travelers' Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests allowed for that zone.
- M. The minimum lot size is ten thousand (10,000) square feet.
- N. Motor vehicle and bicycle parking shall be provided per Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, for Travelers' Accommodation, Lodging. Variances may not be granted from the number of required parking spaces. (Ord. No. 9179, §1, 12/14/98)

3.5.7.5 Mobile Home Dwelling Secondary Uses.

- A. The listed secondary uses, except for mobile home unit sales and Travelers' Accommodation, Campsite, are permitted only if all of the following apply.
 - 1. The use is located in the social or recreation center of the park.
 - 2. The social or recreation center is located fifty (50) feet or more from any interior lot line of the mobile home park and one hundred (100) feet or more from any street lot line bounding the mobile home park.
 - 3. The use does not occupy more than twenty-five (25) percent of the floor area of the center.
- B. The listed secondary uses, if permitted, are subject to the following requirements.
 - 1. No merchandise or supplies shall be stored or displayed outside the building.
 - 2. No exterior or public advertising or signs are allowed, except as permitted for secondary uses.
 - 3. The uses are restricted to delicatessen, snack bar, food store, coin-operated laundry, and pickup station for dry cleaning.

3.5.7.6 Mobile Home Dwelling Secondary Uses.

- A. Vehicle rental and sales are restricted to the sale of mobile home model units in mobile home parks.
- B. Each model home shall have the same setback and spacing requirements as other units.
- C. The number of spaces allotted for model homes shall be no more than five (5) percent of the total spaces in the mobile home park.
- D. There shall be no exterior display or advertising other than one (1) unilluminated sign not to exceed six (6) square feet at each model. The sign may not be over six (6) feet in height.

3.5.7.7 Family Dwelling or Mobile Home Dwelling as Secondary Use in Industrial Zones.

- A. The dwelling is permitted as a secondary use to an Industrial, Wholesaling, or Storage Use in the P-I, I-1, or I-2 zones.
- B. Restricted to one (1) single-family or mobile home dwelling for a caretaker of the principal use.
- C. The dwelling shall conform to the development criteria for the principal use.

3.5.7.8 Residential Care Services.

- A. A Rehabilitation Service or Shelter Care use shall not be located within twelve hundred (1,200) feet, in any direction, from another Rehabilitation Service or Shelter Care use. The applicant for such use must provide an inventory of such uses within twelve hundred (1,200) feet of the site prior to the establishment of the use. (Ord. No. 9392, §1, 5/22/00)
- B. Other Services.
 - 1. Accessory treatment, including counseling or other types of meetings, is not allowed for nonresidents of the facility.
 - 2. Accessory treatment, including counseling or other types of meetings, is allowed for nonresidents of the facility, if limited to twenty-five (25) percent of the gross floor area of the facility.
- C. Maximum Number of Residents.
 - 1. Care is permitted for a maximum of ten (10) residents.
 - 2. Care is permitted for a maximum of fifteen (15) residents.
 - 3. Care is permitted for a maximum of twenty (20) residents.
 - 4. Care is permitted for an unlimited number of residents.
- D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)
- E. Prior to establishment of a Rehabilitation Service or Shelter Care in an industrial zone, applicants for the use shall provide to the Development Services Department a report and site environs analysis for the facility indicating that adequate measures are provided to assure the health, safety, and welfare of the residents of the facility in respect to any industrial process, use, or storage carried out on the site or on adjacent properties. (Ord. No. 9967, §3, 7/1/04)
- F. The site is located at least five hundred (500) feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.
- G. Minimum lot size is three (3) acres. Lot coverage is limited to fifty (50) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty-five (25) feet.
- H. Minimum lot size is one and one-half (1.5) acres. Lot coverage is limited to sixty (60) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty (20) feet.
- I. Minimum lot size is twenty thousand (20,000) square feet.

3.5.7.9 Home Occupation: Group Dwelling.

- A. Room and board may be provided to not more than two (2) persons in the Family Dwelling who are not members of the family or household.
- B. Room and board may be provided to not more than four (4) persons in the Family Dwelling who are not members of the family or household.
- C. Meals may be served only to roomers or boarders residing in the Family Dwelling. Separate cooking facilities in guest rooms shall be prohibited.
- D. Parking requirements shall be as required for Group Dwellings, Sec. 3.3.4.

3.5.7.10 Artist Studio/Residence in I-1.

- A. The use is limited to structures in existence on February 25, 1991, within the designated artist studio/residence area as defined in Sec. 6.2.1.
- B. The use will not displace existing industrial uses.
- C. The appearance and structural integrity of the structure are preserved or enhanced.
- D. Residential use of the property is incidental and secondary to the artist studio use, with no greater than fifty (50) percent of the floor area devoted to the secondary residential use.
- E. The secondary residential use is occupied by an artist who is also the occupant of the primary artist studio use.
- F. Adequate measures are provided to assure the health, safety, and welfare of the occupants in relation to any industrial process, use, or storage carried out in the artist studio/residence or on adjacent properties.
- G. The use will not impair or interfere with the continued industrial use of adjacent properties or with the purposes of the industrial zone.

3.5.7.11 Mobile Home Dwelling Secondary Uses. In mobile home parks in MH-2 and mobile home parks existing as of July 1, 1995, in MH-1(MH), a maximum of twenty-five (25) percent of the existing spaces designed for mobile homes may be utilized for recreational vehicles provided each time the space is rented it is for at least one (1) month in duration.

3.5.8 **RESTRICTED ADULT ACTIVITIES USE GROUP.**

3.5.8.1 Restricted Adult Activities.

- A. The adult establishment shall not be less than one thousand (1,000) feet from any church, school, public playground, park, or neighborhood recreation property line.
- B. The adult establishment shall not be less than one thousand (1,000) feet from any residential use property line or residential zone boundary line.
- C. The adult establishment shall not be less than one thousand (1,000) feet from the premises of any other adult entertainment enterprise.
- D. The adult establishment requires approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §3, 7/1/04))

- E. The land use activity must occur within an enclosed building.

3.5.9 RETAIL TRADE USE GROUP.

3.5.9.1 Food and Beverage Sales.

- A. One (1) building is allowed.
- B. Maximum area of stand.
1. Three thousand (3,000) square feet.
 2. Seven hundred fifty (750) square feet.
 3. Two hundred (200) square feet.
- C. Only the sale of farm products grown or produced on the premises is permitted.
- D. The building shall not be located closer than twenty (20) feet to any property line.
- E. The minimum setback from any street intersection is one hundred fifty (150) feet.
- F. The parking area is set back a minimum of forty-five (45) feet from the property line.
- G. The minimum parking area is eight hundred (800) square feet.
- H. The maximum width of the entry to the parking area is thirty (30) feet.
- I. The vehicular use area is to be surfaced as is required in Sec. 3.3.7.3 if the stand is open more than six (6) months per calendar year. If open a shorter time, these areas must be maintained to minimize dust.
- J. The maximum floor area is four thousand (4,000) square feet.
- K. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

3.5.9.2 General Merchandise Sales.

- A. Outdoor display or storage of fertilizer, manure, or other odorous material shall be located at least thirty (30) feet from any interior lot line.

- B. The maximum floor area is two thousand (2,000) square feet.
- C. Fuel dispensing locations are limited to a maximum of twelve (12).
- D. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

3.5.9.3 Heavy Equipment Sales.

- A. Any area used for the display or storage of heavy equipment must be surfaced with a hard, durable, dustproof material.
- B. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent residential uses or zones.

3.5.9.4 Swap Meets and Auctions.

- A. No large animals may be sold.
- B. Area lighting must be low-pressure sodium and shielded on top.
- C. The retail area shall be dustproofed.
- D. The following additional requirements apply if the use is located within four hundred (400) feet of a residential use or zone.
 - 1. The use may not operate later than 11:00 p.m.
 - 2. Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, must occur within an enclosed building.

3.5.9.5 Vehicle Rental and Sales.

- A. Outdoor lights may not operate later than 10:00 p.m., except for security lighting which cannot exceed ten (10) percent of all outdoor lighting.
- B. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent property and comply with the Outdoor Lighting Code in Chapter 6 of the Tucson Code.
- C. Limited to rental only; no retail sales.

- 3.5.9.6 Secondary Uses in P-I Zone. Limited to retail trade of products that are wholesaled, manufactured, or stored on the premises and further limited to twenty-five (25) percent of the total floor area but not to exceed twenty-five hundred (2,500) square feet.
- 3.5.9.7 Large Retail Establishment Design Criteria. Large Retail Establishments are subject to the following performance criteria. Variances from the criteria are not permitted; however, if one or more of the criteria cannot be met, the applicant can request approval through the Special Exception Land Use process where there is substantial compliance with this Section.

A. *Site Design and Relationship to Surrounding Community.*

1. *Vehicular Access.* The project shall provide safety and protection to adjacent residential uses by having motor vehicle access from a major street as designated by the adopted Major Streets and Routes (MS&R) Plan. Access can also be provided from a street that is not designated by the MS&R Plan, provided it can be shown that any negative impacts on residential uses or residentially zoned properties can be mitigated.
2. *Buffers.* The project shall provide visual and noise buffers where the site is adjacent to a residential use or residentially zoned property. This can be accomplished by providing a minimum building setback of at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site. An eight (8) foot high, or higher, masonry screen wall and at least a twenty (20) foot wide landscape buffer shall be provided adjacent to the site property line where it adjoins a residential use or residentially zoned property. The landscape buffer shall be placed on the inside of the screen wall and shall include, in addition to shrubs and groundcover, canopy trees at twenty (20) to thirty (30) foot intervals depending on the separation needed for the tree canopies to touch at maturity to form a noise, light, and visual screen above the screen wall. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.
3. *Outdoor Storage Areas.* The project shall mitigate visual and noise impacts on residential uses, residentially zoned properties, and streets that may be adjacent to the site from outdoor storage areas (when permitted by the zone district requirements). The mitigation can be accomplished by locating these areas on-site and at least two hundred (200) feet from any residential use or residentially zoned property that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. The screen shall be at least eight (8) feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. Storage materials should not be visible above the screen wall. It would be preferred that these outdoor storage areas be placed between buildings in a manner which would allow the buildings to act as screens.
4. *Trash Collection Areas.* The project shall mitigate visual and noise impacts on adjoining residential neighborhoods and streets from trash collection areas by locating these areas on-site and at least two hundred (200) feet from any residential use, residentially zoned property, and street that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least eight (8) feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. It would be preferred that these trash collection areas be placed between buildings to allow the buildings to act as screens. No trash may be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.
5. *Pedestrian Flows.* The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly, inviting image. Sidewalks shall be at least eight (8) feet wide and unobstructed and shall connect the public street sidewalks, the main entrances to the stores, transit stops on- or off-site, and other buildings on the site, in

addition to providing convenient access to adjacent residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot. Sidewalks shall have an associated three (3) foot wide landscape strip for their entire length, except at intersections with parking area access lanes (PAALs). The landscaping shall include canopy trees or other shading devices to shade at least sixty-five (65) to seventy-five (75) percent of the sidewalks during the major part of the day (shadow pattern needs to be taken into consideration).

6. *Central Features and Community Spaces.* The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (should not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these.
7. *Delivery and Loading Spaces.* Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be set back at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is set back at least three hundred (300) feet from residential property to mitigate the truck noise. The setback does not apply if the main building is located between the truck parking and the residential use or residentially zoned property to act as the screen.

The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten (10) feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. It would be preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

8. *Traffic Impacts.* The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and the Development Services Department, prior to the first public hearing. The TIA report shall identify traffic flow impacts on the public streets; recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan; and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report. (Ord. No. 9666, §1, 1/29/02; Ord. No. 9967, §3, 7/1/04))

9. *Outdoor Lighting.* Provide a photometric plan and outdoor lighting report which provide information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report will also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.
10. *Outdoor Sales Display/Ancillary Uses.* Provide measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas. The outside activity will be set back at least two hundred fifty (250) feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.
11. *Hazardous Materials.* Provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.
12. *Noise Abatement.* Provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise regulations in Chapter 11 of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.
13. *Combination of Retail with Food and Beverage Sales.* General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than ten (10) percent of the gross floor area.

B. *Aesthetic Character of Buildings.*

1. *Facades and Exterior Walls Including Sides and Back.* The building shall be designed in a way which will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least three (3) percent of the façade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least sixty (60) percent of the building length. Architectural treatment, similar to that provided to the front façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.
2. *Detail Features.* Provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.
3. *Roofs.* The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two (2) or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.
4. *Materials and Color.* The buildings shall have exterior building materials and colors, which are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.

5. *Entryways.* The building design shall provide design elements which give customers orientation on accessibility and which add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.
6. *Screening of Mechanical Equipment.* Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

- C. *Design Review Board (DRB).* All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the Development Services Department (DSD) director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to compatibility, architecture, and site design, as provided in Sec. 3.5.9.7 where specific requirements are not provided. The applicant is responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan. (Ord. No. 9967, §3, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

3.5.10 STORAGE USE GROUP.

3.5.10.1 Commercial Storage.

- A. Adjacent to a residential use or zone, outdoor storage shall comply with the following.
 1. Storage material shall not be visible from outside the screen.
 2. Outdoor lighting shall be directed away from adjacent residential uses and zones.
- B. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

3.5.10.2 Hazardous Material Storage.

- A. Aboveground storage tanks for the storage of hazardous materials, such as, but not limited to, hydrogen, gasoline, diesel fuel, automotive fluids, oil, or waste-oil, are permitted as accessory uses in conjunction with and for the purpose of a principal Permitted Land Use. (Ord. No. 8864, §1, 4/28/97)
 1. Exceptions.
 - a. A tank used for storing propane, water, or heating oil for consumptive use on the premises is not regulated by this Section.
 - b. Aboveground storage tanks that are not located within an enclosed building are not permitted within the Scenic Corridor Zone (SCZ).
 2. No person shall install an accessory aboveground storage tank unless the tank meets the following requirements.
 - a. The tank shall be used only for the purpose of servicing the vehicles used or serviced in connection with a permitted principal use. The tanks shall not be open for use by the public.

- b. Except as specified in this Section, the setback regulations of the zoning district in which the tanks shall be located apply to all accessory storage tanks.
 - 1. If the Fire Chief approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Fire Chief, provided that the setbacks are not less than those required by the zoning district.
 - 2. A tank that is not located within an enclosed building shall be set back as follows.
 - a. A minimum of fifty (50) feet from any property line adjacent to any area where, in the opinion of the Fire Chief, the tank could present a hazard or danger to person or property.
 - b. A minimum of two hundred (200) feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location must be approved as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §3, 7/1/04)
 - c. The tank must be screened by a wall equal to the height of the tank.
 - d. The maximum permitted diameter of a tank is ninety-five (95) inches, except that, on ten thousand (10,000) gallon storage tanks, the maximum diameter may be increased to ten (10) feet. (Ord. No. 8864, §1, 4/28/97)
 - e. The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten (10) feet above grade, except that, on ten thousand (10,000) gallon storage tanks, the maximum height may be increased to twelve (12) feet above grade. (Ord. No. 8864, §1, 4/28/97)
 - f. An aboveground storage tank must have a secondary containment tank.
 - g. A concrete pad must be provided under all tanks.
 - h. The construction, installation, and location of the aboveground storage tanks and the types of materials to be stored in the tanks must be approved by the Fire Chief.
 - 3. These regulations do not supersede or replace any other applicable city, county, state, or federal regulations and requirements for aboveground storage tanks.
- B. The maximum capacity of each aboveground storage tank is as follows.
- 1. Capacity of one thousand (1,000) gallons is permitted.
 - 2. Capacity of two thousand (2,000) gallons is permitted.
 - 3. Capacity of four thousand (4,000) gallons is permitted.
 - 4. Capacity of ten thousand (10,000) gallons is permitted.

3.5.10.3 Personal Storage.

- A. All storage shall be within enclosed buildings.
- B. Access shall be from a collector or arterial street.

- C. All walls or doors visible from adjacent streets and residential properties shall be surfaced with a nonreflective material. (Ord. No. 8653, §1, 2/26/96)
- D. Maximum individual unit size: Two hundred (200) square feet of floor area.
- E. Razor or barbed wire may not be used.
- F. The facility's exterior façade visible from adjoining residential properties or street frontage shall be earth tone in color and of masonry, stucco, or similar materials. (Ord. No. 9631, §2, 12/10/01)
- G. Maximum site area: Three (3) acres. (Ord. No. 9631, §2, 12/10/01)

3.5.11 UTILITIES USE GROUP.

3.5.11.1 Distribution System.

- A. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.
- B. Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for the purposes of setbacks in Sec. 3.2.3.2.
- C. The setback of the facility, including walls or equipment, is two hundred (200) feet from any existing adjacent residential zone. This setback may be varied as provided in Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)
- D. Where a water tower more than twenty (20) feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half (1/2) its height.
- E. The use may not have any service or storage yards.
- F. Noise emission at the property line is to be equivalent to the residential requirements of the noise ordinance.
- G. No TVI (television interference) or RIV (radio interference) on a continuous basis is permitted.
- H. Any building housing such facility shall be in keeping with the character of the zone in which it is located. The Design Review Board (DRB) shall review all applications and make recommendations to the Zoning Examiner. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. (Ord. No. 9967, §3, 7/1/04)
- I. The use must be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six (6) feet, nor more than ten (10) feet, in height.
- J. The use must include a ten (10) foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.
- K. Limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than one hundred thirty-eight (138) kilovolts.

3.5.12 WHOLESALE USE GROUP.

Reserved.

3.5.13 GENERALLY APPLIED CRITERIA.3.5.13.1 Access.

- A. The use must have primary vehicular access from an arterial street.
- B. The use must have access from a paved public street on the *Major Streets and Routes (MS&R) Plan*.

3.5.13.2 Hours. The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.3.5.13.3 Lighting. In addition to the requirements of Chapter 6, Section 6-101, Outdoor Lighting Code, of the Tucson Code, any outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.3.5.13.4 Noise. In addition to the requirements of Chapter 11, Article II, Noise, of the Tucson Code, the use must be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.3.5.13.5 Outdoor Activity. Activity may occur outdoors.3.5.13.6 Screening. In addition to the requirements of Sec. 3.7.3, there must be a screen wall at least five (5) feet in height between this use and any residential zone.